



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001



SEMS DocID 623542

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY

August 5, 1997

Mr. Joseph Giancola
c/o Howe Center
140 Granger Street
Rutland, VT 05701

Re: **REQUEST FOR ACCESS TO PROPERTY**
Howe Richardson Scale Co.
26 Strongs Avenue
Rutland, Vermont
CERCLIS NO. VTD002078509

Dear Mr. Giancola:

The United States Environmental Protection Agency (EPA) respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to the property known as the **Howe Richardson Scale Co.** located in **Rutland, Vermont**.

EPA requests access to the property to conduct or oversee a site evaluation. Entry to the property to conduct this activity is authorized by Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). This authorization provided by CERCLA includes access to private property in order to determine the need for response actions, to perform response actions, and to enforce CERCLA. Entry by EPA is also authorized under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927. Under that section EPA may enter property where hazardous wastes are or have been disposed of, transported from, generated, stored, or treated in order to enforce the provisions of RCRA.

CERCLA site evaluation activities may include information-gathering to determine whether hazardous substances, pollutants, and contaminants may be, or may have been released to the environment. In addition, EPA and its representatives may drive vehicles onto the site, collect samples, take photographs, and dispose of small amounts of decontamination fluid on the property. EPA or its representatives will offer the owner or company representative(s) replicates of the samples collected to be analyzed at their own expense. Prior to leaving the property, the EPA representatives will supply the owner or company representative(s) with a receipt for samples collected on the property.



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Please signify your consent to access by signing the attached document in the space provided, and return it to me at the following address:

Donald R. Smith
U. S. Environmental Protection Agency (HBS)
Office of Site Remediation & Restoration
J. F. Kennedy Federal Building
Boston, MA 02203-2211

The access agreement must be signed by all owners, operators or their authorized representatives of the property. If EPA does not receive a reply within **ten (10) business days** of your receipt of this letter, it will become necessary for EPA to employ other means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA's right to access.

Your cooperation in assisting with completion of CERCLA site evaluation activities is appreciated. If you have any questions, I may be contacted at 617 573-9648. Please direct all communications from your legal counsel to Ms. Marcia Lamel at 617 565-3435.

Sincerely,



Donald R. Smith
Vermont Site Assessment Manager
Technical Support & Site Assessment Section
Office of Site Remediation & Restoration

Enclosure

cc: Marcia Lamel, EPA SES
Charles Schwer, VT DEC
RFW START

CONSENT FOR ACCESS TO PROPERTY

I (We), the Owner or representative of the property known as the **Howe Richardson Scale Co.** located in **Rutland, Vermont**, shall permit EPA's officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives, to enter and have continued access to this property for the purpose of conducting a CERCLA site evaluation.

I (we) realize that these actions are undertaken under EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e) and under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse, and without threats or promises of any kind.

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

CONSENT OF ADDITIONAL OWNER(s)

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

SITE CONTACT (If different from above)

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____